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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,465	06/05/2001	David O'Hagan	P66645US0	5256
136	7590	08/02/2006	EXAMINER	
JACOBSON HOLMAN PLLC			DAVIS, BRIAN J	
400 SEVENTH STREET N.W.				
SUITE 600			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20004			1621	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/857,465	O'HAGAN, DAVID	
	<b>Examiner</b>	Art Unit	
	Brian J. Davis	1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The amendment filed on 21 July 2006 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

As applicant's representative correctly points out in the Remarks accompanying the amendment under 37 CFR 1.312, in a previous conversation (6/16/06) the examiner and applicant's representative agreed that the grammar of the specification at page 4 clearly includes aryl as a possible R2. However, upon careful review of the prosecution and search histories in response to the 312 amendment, it becomes clear that the amendment considerably broadens the scope of the independent claim and as such cannot be entered. The subject matter of this increased scope has neither been searched, nor even contemplated during the course of prosecution, because the grammar of the pertinent clause in the independent claim quite clearly (and consistently throughout prosecution) does not contemplate aryl as anything other than a substituent on R2 - despite the grammar used in the specification.

BRIAN DAVIS  
PRIMARY EXAMINER

